

# Order

Michigan Supreme Court  
Lansing, Michigan

December 14, 2007

Clifford W. Taylor,  
Chief Justice

134295

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

BETH HOFFMAN, Personal  
Representative of the Estate of  
Edgar Brown, Deceased,  
Plaintiff-Appellant,

v

SC: 134295  
COA: 258982  
Calhoun CC: 03-003576-NH

PETER BARRETT and BATTLE  
CREEK HEALTH SYSTEMS,  
Defendants-Appellees.

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By order of October 29, 2007, the application for leave to appeal the May 22, 2007 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). On order of the Court, the case having been decided on November 28, 2007, \_\_\_ Mich \_\_\_ (2007), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Calhoun Circuit Court for entry of an order denying the defendants' motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*.



11211

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 14, 2007

*Corbin R. Davis*

Clerk